

AMENDMENT TO H.R. 4350

OFFERED BY MR. GARAMENDI OF CALIFORNIA

At the appropriate place in title XVI, add the following new subtitle:

1 **Subtitle _____ —Ballistic Missiles**

2 **SEC. 16 ____ . FINDINGS.**

3 Congress finds the following:

4 (1) According to the Congressional Budget Of-
5 fice, the projected cost to sustain and modernize the
6 United States nuclear arsenal, as of 2017, “is \$1.2
7 trillion in 2017 dollars over the 2017–2046 period:
8 more than \$800 billion to operate and sustain (that
9 is, incrementally upgrade) nuclear forces and about
10 \$400 billion to modernize them”. With inflation, the
11 cost rises to \$1,700,000,000,000 and does not in-
12 clude the cost of the additional nuclear capabilities
13 proposed in the 2018 Nuclear Posture Review.

14 (2) The Government Accountability Office
15 found in July 2020 that the Department of Defense
16 and the National Nuclear Security Administration
17 have still not taken meaningful steps to address af-
18 fordability concerns or heeded the Government Ac-
19 countability Office’s recommendation to consider

1 “deferring the start of or cancelling specific mod-
2 ernization programs”, including the W87–1 warhead
3 modification program, to address increases in the
4 weapons activities budget requests of the National
5 Nuclear Security Administration.

6 (3) The ground-based strategic deterrent pro-
7 gram is expected to cost between \$93,100,000,000
8 and \$95,800,000,000 which does not include the
9 cost of the W87–1 warhead modification program or
10 the cost to produce new plutonium pits for the war-
11 head. The total estimated life cycle cost of the
12 ground based strategic deterrent program is
13 \$264,000,000,000, and the program is intended to
14 replace 400 deployed Minuteman III missiles with
15 more than 600 new missiles, to allow for test flights
16 and spares.

17 (4) The Air Force awarded a sole-source con-
18 tract to Northrop Grumman for the engineering and
19 manufacturing component of the ground-based stra-
20 tegic deterrent program in September 2020, raising
21 concerns that the absence of competition for the
22 award may result in higher than projected costs to
23 United States taxpayers.

24 (5) The National Nuclear Security Administra-
25 tion is also in the early stages of developing a re-

1 placement intercontinental ballistic missile warhead,
2 the W87-1, and expanding plutonium pit production
3 to build new warhead cores, costing at least
4 \$12,000,000,000 and \$9,000,000,000, respectively,
5 to meet the modernization needs of the ground-based
6 strategic deterrent program.

7 (6) Maintaining and updating the current Min-
8 uteman III missiles is possible for multiple decades
9 and, according to the Congressional Budget Office,
10 through 2036 this would cost \$37,000,000,000 less
11 in 2017 dollars than developing and deploying the
12 ground-based strategic deterrent program.

13 (7) On April 3, 2019, Lieutenant General Rich-
14 ard M. Clark, then-Air Force Deputy Chief of Staff
15 for Strategic Deterrence and Nuclear Integration,
16 noted in testimony before the Committee on Armed
17 Services of the House of Representatives that we
18 have “one more opportunity” to conduct life exten-
19 sion on the Minuteman III intercontinental ballistic
20 missile, indicating the technical feasibility of extend-
21 ing the Minuteman III missile despite his stated
22 preference for the ground-based strategic deterrent.

23 (8) Even in the absence of an intercontinental
24 ballistic missile leg of the triad, the 2018 Nuclear
25 Posture Review signaled that the United States

1 would have an assured retaliatory capability in the
2 form of ballistic missile submarines, which are, “at
3 present, virtually undetectable, and there are no
4 known, near-term credible threats to the surviv-
5 ability of the [ballistic missile submarine] force”, a
6 benefit that will be enhanced as the Department of
7 Defense moves to replace the Ohio class ballistic
8 submarine fleet with the new Columbia class ballistic
9 missile fleet.

10 (9) While intercontinental ballistic missiles had
11 historically been the most responsive leg of the
12 United States nuclear triad, advances in ballistic
13 missile submarine communications now provide im-
14 mediate dissemination of information during war-
15 time.

16 (10) Intercontinental ballistic missiles cannot be
17 recalled, leaving decision-makers with mere minutes
18 to decide whether to launch the missiles before they
19 are destroyed, known as a posture of “launch on
20 warning” or “launch under attack” in the face of a
21 perceived nuclear attack, greatly increasing the risk
22 of a national leader initiating a nuclear war by mis-
23 take.

24 (11) In 1983, Stanislav Petrov, a former lieu-
25 tenant colonel of the Soviet Air Defense Forces cor-

1 rectly identified a false warning in an early warning
2 system that showed several United States incoming
3 nuclear missiles, preventing Soviet leaders from
4 launching a retaliatory response, earning Colonel
5 Petrov the nickname “the man who saved the
6 world”.

7 (12) Former Secretary of Defense William
8 Perry, who once briefed President Bill Clinton on a
9 suspected Russian first nuclear strike, wrote that
10 the ground-based leg of the nuclear triad is “desta-
11 bilizing because it invites an attack” and interconti-
12 nental ballistic missiles are “some of the most dan-
13 gerous weapons in the world” and “could even trig-
14 ger an accidental nuclear war”.

15 (13) General James Cartwright, former vice
16 chair of the Joint Chiefs of Staff and former Com-
17 mander of the United States Strategic Command,
18 wrote, with Secretary Perry, “[T]he greatest danger
19 is not a Russian bolt but a US blunder—that we
20 might accidentally stumble into nuclear war. As we
21 make decisions about which weapons to buy, we
22 should use this simple rule: If a nuclear weapon in-
23 creases the risk of accidental war and is not needed
24 to deter an intentional attack, we should not build
25 it. . . . Certain nuclear weapons, such as...the [inter-

1 continental ballistic missile], carry higher risks of
2 accidental war that, fortunately, we no longer need
3 to bear. We are safer without these expensive weap-
4 ons, and it would be foolish to replace them.”.

5 (14) General George Lee Butler, the former
6 Commander-in-Chief of the Strategic Air Command
7 and subsequently Commander-in-Chief of the United
8 States Strategic Command, said, “I would have re-
9 moved land-based missiles from our arsenal a long
10 time ago. I’d be happy to put that mission on the
11 submarines. So, with a significant fraction of bomb-
12 ers having a nuclear weapons capability that can be
13 restored to alert very quickly, and with even a small
14 component of Trident submarines—with all those
15 missiles and all those warheads on patrol—it’s hard
16 to imagine we couldn’t get by.”.

17 (15) While a sudden “bolt from the blue” first
18 strike from a near-peer nuclear adversary is a highly
19 unlikely scenario, extending the Minuteman III
20 would maintain the purported role of the interconti-
21 nental ballistic missile leg of the triad to absorb such
22 an attack.

1 **SEC. 16___ . STATEMENT OF POLICY ON SERVICE LIFE OF**
2 **MINUTEMAN III INTERCONTINENTAL BAL-**
3 **LISTIC MISSILES AND PAUSE IN DEVELOP-**
4 **MENT OF GROUND-BASED STRATEGIC DETER-**
5 **RENT PROGRAM.**

6 It is the policy of the United States that—

7 (1) the operational life of the Minuteman III
8 intercontinental ballistic missiles can be safely ex-
9 tended until at least 2040; and

10 (2) the research, development, testing, and eval-
11 uation of the ground-based strategic deterrent pro-
12 gram can be paused until 2031.

13 **SEC. 16___ . PROHIBITION ON USE OF FUNDS FOR GROUND**
14 **BASED STRATEGIC DETERRENT PROGRAM**
15 **AND W87-1 WARHEAD MODIFICATION PRO-**
16 **GRAM.**

17 (a) PROHIBITION.—None of the funds authorized to
18 be appropriated or otherwise made available for any of fis-
19 cal years 2022 through 2031 may be obligated or ex-
20 pended for the ground-based strategic deterrent program
21 (including with respect to supporting infrastructure) or
22 the W87–1 warhead modification program, and such
23 funds authorized to be appropriated for the W87–1 war-
24 head modification program that are unobligated as of the
25 date of the enactment of this Act may not be transferred
26 or reprogrammed.

1 (b) TRANSFER.—The Secretary of Defense shall
2 transfer the amounts made available for the Department
3 of Defense for the research, development, testing, and
4 evaluation of the ground-based strategic deterrent pro-
5 gram that are unobligated as of the date of the enactment
6 of this Act to the Secretary of the Air Force for such pur-
7 poses as the Secretary of the Air Force determines appro-
8 priate. Amounts so transferred shall be merged with and
9 be available for the same purposes as the amounts to
10 which transferred.

11 **SEC. 16 ____ . LIFE EXTENSION OF MINUTEMAN III INTER-**
12 **CONTINENTAL BALLISTIC MISSILES.**

13 (a) LIFE EXTENSION PROGRAM.—Beginning not
14 later than 180 days after the date of the enactment of
15 this Act, the Secretary of Defense shall carry out a life
16 extension program of Minuteman III intercontinental bal-
17 listic missiles to extend the life of such missiles to 2040.

18 (b) ELEMENTS OF PROGRAM.—In carrying out the
19 life extension program under subsection (a), the Secretary
20 shall ensure the following:

21 (1) The program will incorporate new and nec-
22 essary technologies that could also be incorporated
23 in the future ground-based strategic deterrent pro-
24 gram, including with respect to technologies that—

1 (A) increase the resilience against adver-
2 sary missile defenses; and

3 (B) incorporate new nuclear command,
4 control, and communications systems.

5 (2) The program will use nondestructive testing
6 methods and technologies similar to the testing
7 methods used by the Navy for Trident II D5 sub-
8 marine launched ballistic missiles to reduce destruc-
9 tive testing.

